

United States District Court  
Northern District of Indiana  
HAMMOND DIVISION

2010 MAR 12 PM 3:07

FOR FILING

FILED

James C. Daniels  
(Plaintiff)

vs.

Case No:

2:10CV 118

(1) UNITED STATES STEEL  
(Defendant).

(2) UNITED STEEL WORKERS OF AMERICA (LOCAL 1014 / DISTRICT 51)

EMPLOYMENT DISCRIMINATION COMPLAINT

Plaintiff brings a complaint against defendant UNITED STATES STEEL for discrimination as set forth below.

Plaintiff \_\_\_\_\_ DOES X DOES NOT (indicate which) demand a jury trial.

I. PARTIES

Plaintiff's Name: James C. Daniels

Plaintiff's Address: 7019 Falcon Dr.  
Schererville, IN 46375

Plaintiff's Telephone: (219) 738-1140

Defendant's Name: (1) UNITED STATES STEEL

(2) UNITED STEELWORKERS OF AMERICA

Defendant's Address: (1) One North Broadway  
Gary, IN 46402

(2) LOCAL 1014 / DISTRICT 51

(2) 1301 TEXAS ST.  
GARY, IN 46402  
(219) 885-1014

## II. BASIS OF CLAIM AND JURISDICTION

1. This complaint is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e-5), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Age Discrimination in Employment Act (29 U.S.C. §621), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ The Americans with Disabilities Act (42 U.S.C. §12101), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Rehabilitation Act (29 U.S.C. §701, *et seq.*), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ Equal rights under law (42 U.S.C. §1981), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ Other (list): TO BE DECIDED, CURRENTLY SEEKING COUNSEL:

2. Plaintiff ☒ DID ☐ DID NOT (indicate which) file a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission. [If the plaintiff did file a charge of discrimination, Plaintiff should attach a copy of the charge to the complaint].

3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission was **RECEIVED** on or about DEC 20, 2009 (insert date the plaintiff **received** the notice – in most instances this will not be the same date stamped on the notice). [Plaintiff should attach a copy of the Notice of Right to Sue to this Complaint].

## III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because (if more space is needed, attach additional pages):

FAILED TO RECEIVE PROPER COUNSEL FROM UNION AFTER CERTAIN INCIDENTS WITHOUT INJURY HAD OCCURRED. I WAS NOT ALLOWED TO RETURN TO WORK UNDER ANOTHER JOB THAT WOULD ACCOMMODATE MY CONDITION. I WAS WILLING AND ABLE TO COMPLETE (AND WAS ALREADY TRAINED) OTHER JOBS FOR U.S. STEEL, YET WAS DENIED BY MANAGEMENT. I WAS NOT GRANTED THE ABILITY TO NOT WORK ON SUNDAYS AFTER REQUESTED DUE TO RELIGIOUS BELIEFS - AFTER THESE BELIEFS WERE MADE KNOWN. I WAS MOCKED AND TREATED COMPLETELY DIFFERENTLY.

The facts on which this complaint is based are the following (if you need additional space, please attach additional pages):

MY PERSONAL INJURY ON OR ABOUT 5/21/09 WAS A SEVERE PAIN IN MY LEFT WRIST (ULNAR NERVE) - AN MRI TAKEN LATER STATED FACTS THAT REPRESENTED GANGLION CYSTS PRESENT IN MY LEFT WRIST. AFTER THE ADVICE OF MY PERSONAL PHYSICIAN STATING THAT THE CONSTANT BANGING ASSOCIATED WITH MY PREVIOUS JOB WOULD CAUSE THE SAME CONDITION TO HAPPEN OVER AND OVER AGAIN - AND ONLY RECOMMENDED WAS TO SWITCH TO ANOTHER JOB I WAS TRAINED ON - U.S. STEEL WAS MADE AWARE OF THIS AND THE REQUEST WAS DENIED. (REPORTEDLY AFTER THE UNION COMPLETELY FAILED TO REPRESENT ME ON AN INCIDENT WITHOUT INJURY ON A FAULTY CRANE... THAT I HAD PAPER WORK ON TO BACKUP, THEY WOULD NOT INTERVENE. PRAYER FOR RELIEF, AS A REPAIR HELP I WALKED INTO A UNION OFFICE ON A FRIDAY AFTERNOON TO SEE MY REPRESENTATIVE DRINKING BEER IN THE OFFICE @ 2:00 P.M. NO HELP.

Based on the foregoing, plaintiff seeks the following relief: 1) I WOULD LIKE THE UNION TO BE INVESTIGATED FOR ITS LACK OF REPRESENTATION OF THE MEMBERS IT WAS DESIGNED TO REPRESENT AND PROTECT. 2) I WOULD LIKE MY NAME CLEARED OF ANY "BLACKLISTING" BECAUSE I DID NOT INCUR A MEDICAL CONDITION, NOR DID I FRAUDULENTLY RECEIVE SSA BENEFITS. MY INJURY WAS REAL, MY FAMILY AND MYSELF HAVE SUFFERED FROM THIS MORE THAN WORDS CAN DESCRIBE. 3) I WOULD LIKE USS TO BE INVESTIGATED FOR ALL THE OTHERS WHO SHARE SIMILAR STORIES OF LIVES IMPACTED WHO PUT THEIR HEART & SOUL INTO DOING A GOOD JOB FOR THE COMPANY, YET WERE TARGETED BECAUSE OF MEDICAL AILMENTS / ISSUES. THEY SHOULD BE HELD ACCOUNTABLE FOR THEIR ACTIONS JUST AS THEIR EMPLOYEES ARE. 4) I WOULD LIKE TO RECEIVE MY JOB BACK AS A HOT METAL CRANE OPERATOR (PER TOU / COLA). I WOULD LIKE TO RECEIVE ALL BACK PAY, BONUSES, UNEMPLOYMENT BENEFITS THAT WERE DENOIED TO ME. I WOULD ALSO LIKE TO RETRIEVE ANY AND ALL ATTORNEY / COURT FEES INCURRED BY THIS PROCESS WITH INTEREST ALSO COMPENSATION FOR PAIN AND SUFFERING FOR MYSELF & FAMILY.

VI. AFFIRMATION OF PLAINTIFF INTEREST ALSO COMPENSATION FOR PAIN AND SUFFERING FOR MYSELF & FAMILY

I, James C. Daniels, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and those which are attached in the accompanying financial statement. I believe them to be, to the best of my personal knowledge, true and correct.

Further, I do understand that this complaint and this affidavit will become an official part of the United States District Court files and that ANY FALSE STATEMENTS knowingly made by me are illegal and may subject me to criminal penalties.

  
(Signature of Plaintiff)

3/12/10  
(Date)

**DISMISSAL AND NOTICE OF RIGHTS**

To: **James C. Daniels**  
**7019 Falcon Dr.**  
**Schererville, IN 46375**

From: **Indianapolis District Office**  
**101 West Ohio St**  
**Suite 1900**  
**Indianapolis, IN 46204**

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**470-2009-00421****Philip E. Moore,**  
**Enforcement Supervisor****(317) 226-7273****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

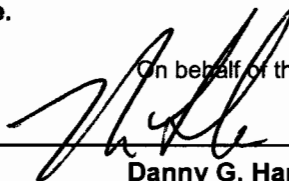
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

 **Foe:**  
**Danny G. Harter,**  
**Director**

**DEC 15 2009**

Enclosures(s)

(Date Mailed)

cc:

**James Van Buren**  
**Labor Relations Dept. Manager**  
**UNITED STATES STEEL**  
**One North Broadway**  
**MS 99 K-D**  
**Gary, IN 46402**